



in the event Ms. Montgomery breaches the agreement. Therefore, her testimony at trial in case number 577 could potentially be incriminating.

4. As to the murder/assault trial, Ms. Montgomery's testimony at that trial could also potentially be incriminating to the extent it conflicts with previous statements she has made under oath or affirmation, such as her May 20, 2022 testimony before the Grand Jury for Hillsborough County Northern District.

5. Ms. Montgomery is currently an inmate at the New Hampshire State Prison with a minimum release date of May 3, 2024.

6. To the extent Ms. Montgomery's trial testimony in the above-captioned cases may incriminate her, the State requests that she be appointed counsel. The State is filing this request at this stage of the above-captioned cases because the State expects that one or more pretrial meetings with Ms. Montgomery may be necessary to prepare for trial.

7. Counsel for the defendant takes no position on the relief requested herein.

WHEREFORE, the State of New Hampshire respectfully requests that this Honorable Court:

- (A) Appoint counsel to represent Kayla Montgomery with respect to her role as a witness in the above-captioned cases; and
- (B) Grant such further relief as may be deemed just and proper.

Respectfully submitted,  
THE STATE OF NEW HAMPSHIRE

By its attorneys,

JOHN M. FORMELLA  
ATTORNEY GENERAL

Date: December 6, 2022

/s/ Jesse O'Neill  
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CERTIFICATE OF SERVICE

I hereby certify that on this date a copy of the foregoing pleading was served on counsel for the defendant via the electronic filing system.

/s/ Jesse O'Neill  
Jesse O'Neill